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Before the
Federal Communications Commission
Washington, D.C. 20554

FILED/ACCEPTED

AUG 20 2009

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.622(i)) RM-_____
Table of Allotments)
Digital Television Broadcast Stations)
(St. Petersburg, Florida))

To: Office of the Secretary
Attn: Chief, Video Services Division

PETITION FOR RULEMAKING

Bay Television, Inc. ("Bay TV"), licensee of WTTA, which is operating on digital channel 38, St. Petersburg, Florida, hereby requests that the Commission initiate a rulemaking proceeding to substitute and allot DTV channel 32 for its assigned DTV channel 38 at St. Petersburg, Florida by amending the DTV Post-Transition Table of Allotments, Section 73.622(i) of the Commission's rules.¹

WTTA currently operates on digital channel 38. Unfortunately, it is unable to replicate its analog service area due to severe adjacent channel interference. Bay TV has identified channel 32 as an alternative channel which will permit WTTA to dramatically improve service. As set forth in the attached engineering statement of John E. Hidle, P.E. of Carl T. Jones Corporation, the instant proposal to allot DTV channel 32 to St. Petersburg, Florida can be accomplished in complete conformity with all Commission allocation requirements. In addition,

¹ The channel 32 DTV allotment reference coordinates are the same as the DTV channel 38 allotment reference coordinates (as defined in Section 73.622(i) of the FCC's rules) of the Petitioner's authorized WTTA, St. Petersburg, Florida tower site. See FCC tower registration number 1028292.

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the instant proposal to operate on channel 32 will serve the public interest because it will, among other things, allow the station to more closely replicate its former analog service area.

Consequently, Bay TV requests the following change in the DTV Table of Allotments:


	<u>Current</u>	<u>Proposed</u>
St. Petersburg, Florida	10, 38, 44	10, 32, 44

If the proposal set forth herein is adopted, Bay TV will promptly file the appropriate application for modification to specify operation on DTV Channel 32 at St. Petersburg, Florida with facilities consistent with those specified in the attached engineering statement and, if authorized, will construct the facilities contemplated therein and place the station into operation.

For the foregoing reasons, Bay TV respectfully requests that the Commission adopt the proposed changes to the DTV Table of Allotments.

Respectfully submitted,

Bay Television, Inc.

By: 

Clifford M. Harrington
Paul A. Cicelski

Its Attorneys

PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128
(202) 663-8000

Dated: August 20, 2009



**STATEMENT OF JOHN E. HIDLE, P.E.
IN SUPPORT OF A PETITION TO AMEND
THE POST-TRANSITION DTV TABLE OF ALLOTMENTS
WTTA - ST. PETERSBURG, FLORIDA
DTV - CH. 32 - 1000 kW - 438 m HAAT**

Prepared for: BAY TELEVISION, INC.

I am a Consulting Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission. I am a Professional Engineer in the Commonwealth of Virginia, License No. 7418, and in the State of New York, License No. 63418.

GENERAL

This office has been authorized by BAY TELEVISION, INC., licensee of WTTA, channel 38, St. Petersburg, Florida, to prepare this statement in support of a Petition to Amend the Digital Television (DTV) Post Transition Table of Allotments, §73.622(i) of the FCC Rules. The petitioner requests that §73.622(i) of the Commission's Rules be modified in the following manner:

	<u>Present</u>	<u>Proposed</u>
St. Petersburg, Florida	10, 38, 44	10, 32, 44

DTV channel 38 is the channel currently specified in the Post-Transition DTV Table of Allotments for WTTA. The petitioner requests herein to substitute DTV channel 32 for DTV channel 38. The proposed arrangement of allotments will permit WTTA to more closely replicate its former analog service area, which it can not readily achieve on its current channel 38 because of a severe adjacent channel interference issue.

TECHNICAL STUDY

An engineering study of all pertinent allotments, assignments, applications, construction permits and DTV licenses reveals that DTV channel 32 can be allotted to St. Petersburg, Florida as the post-transition DTV facility for petitioner's existing channel 38 digital television broadcast station, WTTA, which is currently operating according to BLDSTA-20090522ACG.

The allotment reference coordinates for DTV channel 32 at St. Petersburg, Florida are: 27° 50' 32" N.L. and 82° 15' 46" W.L.¹ The St. Petersburg allotment reference site meets the allotment standards in §73.616(b) with respect to the DTV to DTV geographic spacing requirements set forth in §73.623(d), the principal community coverage requirements set forth in §73.625(a), the Class A TV and digital Class A TV protection requirements set forth in §73.616(f), the land mobile requirements set forth in §73.623(e) and the FM radio protection requirement set forth in §73.623(f).

The petitioner proposes to utilize a non-directional antenna at a centerline height above mean sea level (AMSL) of 457.9 meters and above average terrain (HAAT) of 438 meters. The proposed effective radiated power (ERP) is 1000 kW. Accordingly, the facility does not meet maximum height/power limits. Pursuant to Section 73.622(f)(5), the station in the Tampa-St. Petersburg DMA with the largest coverage area appears to be WTVT, channel 12, with a coverage area of 41,899 sq km. The predicted coverage area for the instant proposal is 37,176 sq km, thereby meeting the requirements of 73.622(f)(5).

¹ The channel 32 DTV allotment reference coordinates are the same as the DTV channel 38 allotment reference coordinates (as defined in Section 73.622(i) of the FCC Rules) of the petitioner's authorized WTTA(DT), St. Petersburg, Florida tower site. (See FCC tower registration number 1028292).

ALLOCATION CONSIDERATIONS

Post-Transition DTV Considerations

A study was performed to determine if the instant petition to amend the post-transition Table of Allotments is predicted to cause any level of new prohibited interference to DTV stations, expansion construction permits or DTV allotments. Results of the study, utilizing the FCC's own application processing software, indicate that the instant petition is predicted to cause no unacceptable level (less than 0.5%) of new interference to the populations served by any DTV station, expansion construction permit or allotment.

The study identified one DTV station that is predicted to be affected slightly by the proposed facility. WRXY-TV, Tice, Florida, channel 33 is predicted to receive additional new interference of 0.488% to its licensed facility, BLCDT-20060627ABA, and 0.373% to its construction permit, BPCDT-20080619ADR. This result complies with the 0.5% limit for any increase in post-transition interference set forth in §73.616(e) of the Commission's Rules.

Class A Television Allocation Considerations

As required in Section 73.616(f) of the FCC's Rules, a study was performed, using the FCC's application processing software. The study showed that there is slight predicted contour overlap with Class A station WYDT-CA, channel 32, Naples, Florida. However, in accordance with §73.616(f)(3), which permits the use of terrain shielding and Longley-Rice prediction methods, the Longley-Rice study states that, in regard to WYDT-CA, the "Proposal causes no interference". The study also showed that the proposal is inside the licensed coverage contour of analog WSVT-CA, channel 18, Tampa, Florida. However,

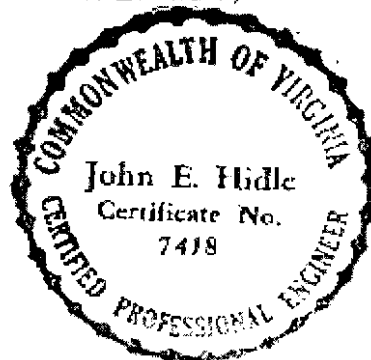
the Longley-Rice study shows a minimal increase in new interference of 0.064%. WSVT-CA's "flash-cut" CP on channel 18 will not be affected at all by the instant digital proposal on channel 32. The petitioner therefore, based on these results, seeks a waiver of §73.616(f) to the extent the Commission might deem necessary.

SUMMARY

It is submitted that the instant Petition to Amend the Post-Transition DTV Table of Allotments to substitute DTV channel 32 for DTV channel 38 in St. Petersburg, Florida, as described herein complies with the Rules, Regulations and relevant Policies of the Federal Communications Commission. This statement was prepared by me or under my direct supervision and its contents are believed to be true and correct to the best of my knowledge and belief.

DATED: August 19, 2009


John E. Hidle, P.E.



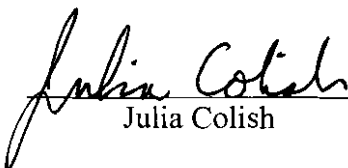
CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that a copy of the foregoing "Petition for Rulemaking" was served via hand delivery on this 19th day of August, 2009 to the following:

Ms. Barbara A. Kreisman
Chief, Video Services Division
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445 12th Street, S.W., Room 2-A666
Washington, D.C. 20554

Joyce Bernstein
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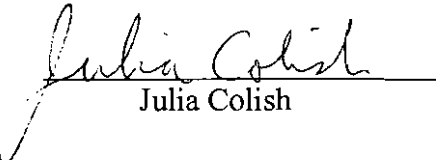
CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that a copy of the foregoing "Petition for Rulemaking" was served via hand delivery on this 20th day of August, 2009 to the following:

Ms. Barbara A. Kreisman
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